

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Oshlack et al.	Confirmation No.:	2376
Serial No.:	10/690,389	Art Unit:	1616
Filed:	October 21, 2003	Examiner:	Frank I. Choi
For:	MELT-EXTRUDED ORALLY ADMINISTRABLE OPIOID FORMULATIONS	Attorney Docket No.:	6750-362-999
		CAM No.:	305158-999362

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the references **A10-14** and **D01-09** listed on the attached List of References Cited by Applicant.

References **A10-13** are issued United States patents and therefore are not being submitted pursuant to 37 C.F.R. § 1.98(a)(2)(ii). Reference **A14** is copending U.S. Patent Application No. 11/076,551 (the '551 application). References **D01-05** are Office Actions issued for the '551 application, and references **D06-08** are Office Actions issued for U.S. Patent Application No. 10/745,950 (the '950 application)¹. The '551 application, the '950 application and the present application all claim priority to U.S. Patent Application No. 08/334,209 under 35 U.S.C. § 120. Copies of references **A14** and **D01-08** are not provided, and the Examiner's attention is directed to the prosecution files of the '551 application and the '950 application for copies of these references. Reference **D09** is the opinion issued by

¹ Reference D08 is a Notice of Allowance issued on July 23, 2008. Applicants submit that a Request for Continued Examination was filed on October 2, 2008.

the U.S. Court of Appeals for the Federal Circuit in *Purdue Pharma L.P. v. Faulding Inc.* 230 F.3d 1320 (Fed. Cir. 2000). A copy of reference **D09** is enclosed herewith.

Identification of the listed references is not to be construed as an admission of Attorneys for Applicants or Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the listed references and that the references be made of record in the file history of the application.

This Information Disclosure Statement is being filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of any of a final Office Action, a notice of allowance, or an action that otherwise closes prosecution in the application. Pursuant to 37 C.F.R. §§ 1.97(c) and 1.17(p), the fee for this submission is estimated to be \$180.00. Please charge the required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: November 3, 2008

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